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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,807	08/02/2001	Akihiko Nagata	Q65684	4297

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EXAMINER

BROCKETTI, JULIE K

ART UNIT	PAPER NUMBER
3713	

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/919,807

Applicant(s)

NAGATA ET AL.

Examiner

Julie K. Brockett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 5-26-05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 26, 2005 has been entered.

### ***Claim Objections***

Claims 2-25 are objected to because of the following informalities: The claims interchange between the words "player" and "user". Applicant's specification states that these two limitations are the same thing. It is advised for consistency reasons that Applicant select either "player" or "user" to be used throughout the claim language.

Claim 24, 6 lines from the bottom, the word "a" should be inserted before the word "customer".

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7-9 and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 7-9 recite the limitation "each player's identifier". There is insufficient antecedent basis for this limitation in the claims.

Claim 25 states "...distributing rarity added value information..." It is unclear as to what this "rarity added value information" is and therefore, the claim is indefinite.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 2, 3, 13, 17, 19 and 21-23 are rejected under 35 U.S.C.**

**103(a) as being unpatentable over Onda et al., U.S. Patent No. 6,746,333**

**B1 in view of Stamper et al., U.S. Patent No. 6,820,265 B1.** Onda discloses a game mastery support apparatus, which supports mastery of an executable game. The game mastery support apparatus comprises a distribution device, which distributes mastery information, which advises a player how to master a

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game, to a terminal apparatus having a game execution function for executing the executable game independent of the mastery information (See Onda col. 3 lines 40-60; col. 5 lines 52-65; col. 10 lines 5-21; col. 13 lines 1-27). The distribution device distributes the mastery information according to information obtained from the terminal apparatus (See Onda col. 6 lines 36-43). The mastery support apparatus and the terminal apparatus each comprise a processor (See Onda col. 1 lines 52-57; col. 13 lines 1-32) [claims 2, 4, 17, 18]. The terminal apparatus includes a display screen, which displays the mastery information on the display screen (See Onda col. 13 lines 1-27) [claims 17, 18]. The terminal processor receives, from the game mastery support apparatus, distributed mastery information, which advises a player how to master a game. The execution is conducted independent of the master information (See Onda col. 10 lines 5-31) [claims 17, 18]. Onda further discloses that the terminal apparatus comprises a first terminal device having a game execution function and a second terminal device displaying received mastery information within a display area. The first terminal device, which has the game execution function, sends the distribution condition if met, to the game mastery support apparatus. A second terminal device receives the information distributed by the game mastery support apparatus, which is specified as a destination of the mastery information. The second terminal device includes a display screen and a processing section receiving, from the game mastery support apparatus, the mastery information for mastering the

game, and displaying the mastery information on the display screen (See Onda col. 5 lines 52-65; col. 9 lines 18-27; Fig. 1) [claim 19]. Onda discloses a computer readable medium having recorded thereon a processing program for activating a game mastery support apparatus for supporting mastery of an executable game. The program includes a distributing routine for distributing mastery information, which advises a player how to master an executable multi-stage game, to a terminal apparatus having a game execution function. The function is independent of the mastery information (See Onda col. 4 lines 51-67) [claim 23]. Onda discloses a method for distributing, via a communications network, game mastery information, which advises a player how to master a game, from a game mastery support apparatus to a terminal apparatus having a game execution function in accordance with a request from the terminal apparatus, the function is executable independent of the mastery information. The terminal stores user information items including a game title, a user identifier and personal user information (See Onda col. 5 lines 50-67; col. 6 lines 1-67). The user information items are transmitted to the game mastery support apparatus. A processing section of the game mastery support apparatus retrieves mastery information corresponding to the received game title and distribution condition corresponding to the received game title. The distribution condition is stored to a mastery status management table of the game mastery support apparatus on a per-user-identified basis. The processing section of the game mastery support apparatus retrieves the game

information items corresponding to the received game title from a game title data base group of the game master support apparatus. The processing section stores the received personal user information as a customer information database. Information corresponding to mastery status information on the game stage is distributed to the terminal apparatus (See Onda cols. 5-10) [claim 24]. Onda lacks in specifically disclosing that the game is a multi-stage game and that the distribution condition is a stage among multiple stages to which a player has proceeded.

Stamper teaches of a method of sharing data between video games in which the games are multi-stage games (See Stamper col. 4 line 61; col. 8 lines 35-57). In Stamper, a secondary memory device shares mastery status information to the terminal apparatus based on a stage among said multiple stages of the executable multi-stage game to which a player has proceeded (See Stamper col. 8 lines 35-57) [claims 2, 17, 18, 23, 24]. For example, the sharing of hints on how to solve the game are based on the level in which a player has achieved in the game. Stamper further discloses that the master status information from the terminal apparatus includes flag information indicating a stage of the game to which the player has proceeded (See Stamper col. 4 lines 49-61) [claim 3]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the distribution condition in Onda be a stage that a player has achieved in a multi-stage game. Therefore, once a player satisfies the criteria of reaching a certain stage they have access to the

information needed to pass the stage. The Examiner notes that it is well known throughout the art to download strategy guides over a network. Furthermore, it would have been obvious to one of ordinary skill in the art to only allow access to those guides once a player has achieved the level necessary for which the strategy guides would be useful, thereby, only distributing the information to players who can use it or distributing the information as a reward for their efforts in the game thus far. By providing them access to the information, they will want to continue playing the game. Stamper further discloses that the terminal apparatus is a portable device (See Stamper col. 7 lines 19-22) [claims 13-16, 21, 22]. Rarity added value information is distributed from host computer to the terminal apparatus of a higher-ranked user. An information distribution history is stored in the host computer, thereby customizing a delivery status for each user (See Lee Fig. 1, 7, 8) [claim 25]. It would have been obvious to one of ordinary skill in the art to make the terminals of Onda portable so that a player could play games remotely and are not restricted to a single location. The Examiner further notes that the fact that a claimed device is portable or movable is not sufficient by itself to patentably distinguish over an otherwise old device unless there are new or unexpected results. *In re Lindberg*, 194 F.2d 732, 93 USPQ 23 (CCPA 1952).

**Claims 4-12, 14-16, 18, 20, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Onda et al., in view of Stamper et al., in**



**further view of Lee, U.S. Patent No. 6,475,089 B1.** Onda and Stamper disclose all of the limitations mentioned above. Onda further discloses that the terminal apparatus comprises a first terminal device having a game execution function and a second terminal device displaying received mastery information within a display area (See Onda col. 5 lines 52-65; Fig. 1). In Stamper, a receiver, receives from the first terminal device, mastery status information representing a game stage to be mastered (See Stamper col. 8 lines 36-57). In Onda, a distributing device, distributes to the second terminal device specified as a destination, the mastery information according to the mastery status information from the first terminal device (See Onda col. 5 lines 50-65; col. 10 lines 5-21; col. 12 lines 40-45) [claims 10-12]. Onda and Stamper lack in disclosing distributing ranking information. Lee teaches of a game system in which a ranking information distribution device, distributes ranking information pertaining to a rank of a player in a game (See Lee col. 1 lines 38-41; col. 8 lines 22-38) [claims 4-6; 18, 20]. The system of Lee furthermore will distribute game information on the basis of the ranking of a player (See Lee col. 8 lines 16-44) [claims 4, 20]. For example, the system will only distribute game and opponent information if the rankings of a player and an opponent are similar. Lee further teaches of an accumulator, which accumulates information from the terminal apparatus for each player's identifier. A determining device then determines a rank of a corresponding user with reference to the accumulated information. A distributor then distributes

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ranking information pertaining to the determined rank (See Lee col. 8 lines 23-44) [claims 7-9].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to distribute the mastery information in Onda on the basis of the ranking of a player [claims 4]. Onda clearly states that it distributes mastery information on the basis of a predetermined condition being met; it is obvious that the predetermined condition could be the ranking of a player; therefore the players with higher ranks are being rewarded with access to the hints and other information in the game. Furthermore, as previously stated, it is obvious to only distribute the hints to the players that need them which may be determined based on the rank of a player. Therefore, one is not distributing difficult game information to a player who could not perform it based on his rank; the information is being distributed only to the players who need it.

#### ***Response to Amendment***

It has been noted that claim 2 has been amended.

#### ***Response to Arguments***

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

While the Examiner is still using the Stamper and Lee references in which Applicant's arguments are directed towards, the combination of these references now being made with Onda (as the primary reference) differs with respect to Applicant's arguments thereby rendering them moot.

### ***Citation of Relevant Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

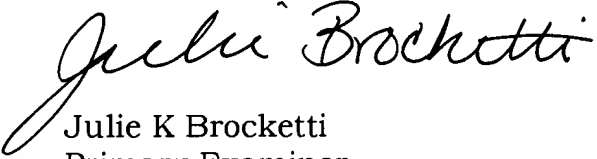
1. Miyamoto et al., U.S. Patent No. 6,296,570 B1.
2. Yamagishi et al., U.S. Patent No. 6,609,976 B1.
3. Wilden et al., U.S. Patent No. 5,377,997.
4. Okada, U.S. Patent No. 4,752,069.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie K. Brockett whose telephone number is 571-272-4432. The examiner can normally be reached on M-Th 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Julie K Brockett  
Primary Examiner  
Art Unit 3713